

## REMARKS

Claims 1-19 were pending in the application. Claims 1-9 were rejected. Claims 10-19 have been withdrawn. Claims 1-9 have been amended herein. The applicants request reconsideration of all rejected claims.

### **I. Rejection of Claim 6 Under 35 U.S.C. §112, First Paragraph**

Claim 6 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 6 as amended herein overcomes the rejection. Therefore, the applicant requests reconsideration of the rejection.

### **II. Rejection of Claims 1-9 Under 35 U.S.C. §101**

Claims 1-9 were rejected under 35 U.S.C. §101 as being non-statutory subject matter. The claims, as amended herein, are directed toward a computer implemented method, which is statutory subject matter. Accordingly, the applicant requests reconsideration of the rejection.

### III. Rejection of Claims 1-4 and 7-9 Under 35 U.S.C. §103(a)

Claims 1-4 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoyama (U.S. 5,956,726).

#### CLAIM 1

Claim 1 is independent and, as amended herein, is directed toward:

A computer implemented method for comparing a first document to a second document, the method comprising:

receiving computer program code representative of the first document;

receiving computer program code representative of the second document;

inserting at least one compare instruction into one of the computer program code representative of the first document and the computer program code representative of the second document; and

comparing the first document and the second document based on the compare instruction.

The office action states that Aoyama discloses "inserting at least one compare attribute into one of the first document and the second document" as claimed in claim 1 prior to this amendment. Claim 1 has been amended to better identify the compare attributes as compare instructions. The applicant notes that the term "attributes" is used in the specification, however, these "attributes" function as instructions. Therefore, the term has been changed in the claims to better illustrate the scope of the claims.

Examples of the compare instructions are provided in the application at the tops of Figs. 4 and 5 with instructions to ignore attributes and elements. Other examples of the compare attributes functioning as instructions are provided throughout the

specification. For example, page 11, lines 8-25 describe the functions of several compare attributes. These functions serve as instructions during the compare process.

Aoyama simply inserts tags or the like into a document. These tags, as shown in Fig. 3 of Aoyama, are elements of the document and are not instructions. Likewise, these tags do not function as instructions as claimed in claim 1. Therefore, Aoyama does not disclose all the elements of claim 1. The applicant further contends that it would not be obvious to substitute the tags inserted into the documents of Aoyama with instructions as claimed in claim 1.

Based on the foregoing, Aoyama cannot render claim 1 obvious. Therefore, the applicant requests reconsideration of the rejection.

#### CLAIMS 2-9

Claims 2-9 are dependent on claim 1 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicant requests reconsideration of the rejections.

Based on the foregoing, the applicants contend that all pending claims are in condition for allowance and request a notice to that effect.

Respectfully submitted,  
KLAAS, LAW, O'MEARA & MALKIN, P.C.

Dated: May 23, 2005

By: *RW Nelson*  
Robert W. Nelson  
Registration No. 37,898  
1999 Broadway, Suite 2225  
Denver, CO 80202  
(303) 298-9888  
Fax: (303) 297-2266